

APPEAL NO. 030918
FILED MAY 22, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 19, 2003, with the record closing on March 11, 2003. The hearing officer resolved the disputed issues by deciding that because respondent 2 (claimant) did not appear and pursue his claim, the claimant did not sustain a compensable injury on _____; did not timely report an injury to his employer; that the claimant has not had disability and that respondent 1 (carrier) has not waived the right to contest compensability. The appellant (subclaimant) appealed. The carrier responded, urging affirmance. There is no response in the appeal file from the claimant.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer has become final pursuant to Section 410.169.

The subclaimant acknowledged receipt of the hearing officer's decision and order on March 22, 2003. The applicable law governing this case, Section 410.202 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)), requires that an appeal, to be timely, must be filed or mailed not later than the 15th day after the date of receipt of the hearing officer's decision and received by the Texas Workers' Compensation Commission (Commission) not later than the 20th day after the date of receipt of the hearing officer's decision. Section 410.202 was amended June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in Section 662.003 of the Government Code in the computation of the 15-day appeal and response periods. Using the current calculation method, the request for review in this case had to be filed or mailed no later than Friday, April 11, 2003.

The subclaimant's request for review was dated April 14, 2003. The envelope in which the subclaimant's request for review was mailed to the Commission is postmarked April 14, 2003, and the appeal was received by the Commission on April 17, 2003. The carrier's appeal, having been filed after April 11, 2003, is therefore untimely.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked, and the decision and order of the hearing officer have become final under Section 410.169.

The true corporate name of the insurance carrier is **ASSOCIATION CASUALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**HAROLD FISHER-PRESIDENT
3420 EXECUTIVE CENTER DRIVE, SUITE 200
AUSTIN, TEXAS 78731.**

Margaret L. Turner
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Edward Vilano
Appeals Judge